Serial No. 10/074,765   Patent
                                              Attorney Docket No.: PD-201157

REMARKS

By this amendment, claims 1-23 are pending, in which no claim is canceled, withdrawn, currently amended or newly presented.

The final Office Action mailed January 31, 2006 rejected claims 1-3, 5, 7, 12, 14 and 16-23 under 35 U.S.C. § 102 as anticipated by *Gonzales* (US 5,414,469), claims 1-3, 11-14 and 16-23 under 35 U.S.C. § 102 as anticipated by *Wu et al.* (US 6,700,933), claims 4 and 16 as obvious under 35 U.S.C. § 103 based on *Wu et al.* in view of *Camahan* (US 5,414,780), claims 6, 7 and 16 as obvious under 35 U.S.C. § 103 based on *Wu et al.* in view of *Kato et al.* (US 5,719,986), claims 8 and 16 as obvious under 35 U.S.C. § 103 based on *Wu et al.* in view of *Weinberger et al.* (US 5,680,129), claims 9 and 10 as obvious under 35 U.S.C. § 103 based on *Wu et al.* in view of *Moroney et al.* (US 5,771,239), and claims 15 and 16 as obvious under 35 U.S.C. § 103 based on *Wu et al.* in view of *Chujoh et al.* (US 6,317,461).

Independent claims 1 and 17 recite grouping "video frames that are **only between consecutive I-frames** into a video data set." Claim 19 recites "grouping video frames that are **only between two consecutive I-frames** into a video data set." Claim 22 recites "grouping video frames of the video signal that are **only between consecutive I-frames** into a video data set." Claim 21 recites "splitting the **video data set consisting of non-intra video frames** into a plurality of data sequences."

The Examiner continues to misunderstand the claim language. The claim language, on its face, precludes I-frames from being grouped into the video data set. It is not understood why the Examiner overlooks this important detail. All the support for the rejections is fundamentally flawed in that the Group of Pictures (GOP) relied upon (as disclosed by *Gonzales* and *Wu*) to meet the claimed features require the inclusion of an I-frame; and thus, the claimed features cannot be met. This faulty reasoning by the Examiner is further explained below.

6

In response to Applicants' arguments submitted in the Response dated July 14, 2005, the Examiner (Office Action, page 4) appears to have performed a text search for the word "only" in Applicants' Specification. It is not understood why the Examiner is attempting to show that the exact claim language "**only** between two consecutive I-frames" does not appear in the Specification. Because the exact phrase cannot be found does not mean that such feature is not supported by the Specification. For example, Step 101 in Fig. 1 fully supports the claim language – i.e., collecting non-I frames between consecutive I-frames. There is no requirement of the patent laws that claim language must match exactly with that of the Specification for the Examiner to examine the entirety of the claims. That is, this rationale does not permit the Examiner to ignore claim terms. All words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

The Examiner persists in arguing that the claimed features are met by the following statement (col. 3: 43-44): "Each GOP must start with an I-picture and additional I-pictures can appear within the GOP." This does not reasonably suggest that a GOP is a group of pictures that are found only between consecutive I-frames, but merely that the GOP must contain an I-frame (because it must start with an I-frame), and that additional I-frames may appear within the GOP. There is no restriction (or exclusion) on the number of I-frames that make up the GOP.

Furthermore, the claimed grouping of video frames does would not include any I-frames, as "frames that are **only between two consecutive I-frames** into a video data set." This necessarily entails not having any I-frames in the video data set. In stark contrast, the GOP of *Gonzales* "must" include an I-picture, and therefore, cannot be the claimed video data set.

Furthermore, *Gonzales* fails to teach "splitting the video data set into a plurality of homogeneous files" or "splitting the **video data set consisting of non-intra video frames** into a plurality of data sequences." The Examiner refers to Fig. 7 to such a feature; however, Fig. 7

7

merely illustrates the hierarchical prediction of DCT coefficients corresponding to the four

different resolutions shown in Fig. 6. These resolution layers are not "homogeneous files."

With respect to the *Wu et al.* reference, the Examiner states that the "MPEG standard is

already grouping the video stream into GOP; wherein GOP includes P and B frames," citing col.

1: 35-38 and step 154 of Fig. 8. Applicants does not necessarily dispute that *Wu et al.*

discloses grouping of the video stream into GOP. Although the MPEG standard involves

grouping frames into a GOP, a GOP by definition contains an I-frame because the GOP needs

to begin with an I-frame. As discussed previously, the GOP cannot be reasonably equated to

the claimed video data set.

Regarding the feature of "video data set consisting of non-intra video frames," the

Examiner refers to step 154 of FIG. 8. It is noted that *Wu et al.* makes no mention of B-frames,

such that the Examiner's reference to step 154 as disclosing a GOP consisting of B and P

frames as non-intra frames is inaccurate. From Fig.8, it can be observed that the GOP does in

fact consist of an I-frame as well as P-frames (in step 150, the encoder encodes each MB in an

I-frame into different layers). Consequently, the interpretation adopted by the Examiner is

unsupported by *Wu et al.*

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim

be disclosed in a prior art reference, based on the foregoing, it is clear that neither *Gonzales*

nor *Wu et al.* discloses the claimed features.

Regarding the obviousness rejections, the additions of *Carnahan et al.*, *Kato et al.*,

Weinberger et al., *Moroney et al.* , and *Chujoh et al.* do not fill in the gaps of *Wu et al.*

Carnahan et al. is applied for a supposed teaching of motion components. *Kato et al.* is relied

upon for a supposed disclosure of storing mode 3 B-frame components. *Weinberger et al.* is

applied for a supposed teaching of mapping negative values. The Office Action relies on

Moroney et al. for a supposed teaching of use of YK algorithm. *Chujoh et al.* is relied upon for

a supposed teaching of "prefixing a corresponding header to each of the separate files."

Serial No. 10/074,765   Patent
                                                                Attorney Docket No.: PD-201157

Therefore, a *prima facie* case of obviousness has not been established for the several

rejections.

In view of the foregoing, independent claims 1, 17, 19, 21 and 22 should be indicated as

allowable, along with claims 2-16, 18, 20 and 23 depending correspondingly therefrom.

Therefore, the present application, as amended, overcomes the rejections of record and

is in condition for allowance. Favorable consideration of this application is respectfully

requested. If any unresolved issues remain, it is respectfully requested that the Examiner

telephone the undersigned attorney at (310) 964-4615 so that such issues may be resolved as

expeditiously as possible. All correspondence should continue to be directed to our below-

listed address.

                                                        Respectfully submitted,
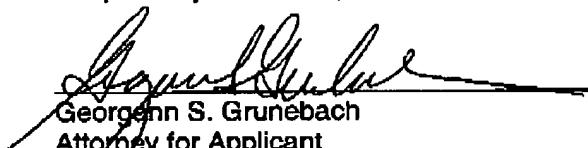
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9